

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA.

Case No. 2:13-cr-00307-JCM-CWH

Plaintiff,

ORDER

V.

KIRK A. BOWMAN

Defendant.

Presently before the court is *United States v. Bowman*, case no. 2:13-cr-00307-JCM-CWH. Kirk Bowman (“petitioner”) filed a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 based upon the application of *Johnson v. United States*, 135 S. Ct. 2551 (2015) to his sentence. (Doc. #34). Petitioner then amended and refiled the motion to vacate thirteen days later. (Doc. #35). The court shall dismiss petitioner’s original motion to vacate (doc. #34) as moot and set the briefing schedule for the amended motion to vacate (doc. #35) as follows: respondent has thirty days from the date of this order to file a response. Thereafter, petitioner has thirty days to file a reply.

20 | Accordingly,

21 It is ORDERED that respondent file a response to petitioner's amended motion to vacate,
22 set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (doc. #35) no later than thirty (30) days
23 from the date of this order. Petitioner's reply is due thirty (30) days thereafter.

24 IT IS FURTHER ORDERED that petitioner's motion to vacate (doc. #34) is DENIED as
25 moot.

DATED THIS 5th day of April 2016.

JAMES C. MAHAN
JAMES C. MAHAN
UNITED STATES DISTRICT JUDGE